

## CITY OF MONTEREY PARK

October 28, 1997 20 west newmark avenue ■ monterey park, ca 91754-2896

■ municipal services center



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NOV - 4 1997

FCC MAIL ROOM

Mr. William Kennard  
Chairman Designate  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: Ex Parte Letter Re: Cases WT 97-<sup>192</sup>~~197~~, MM Docket 97-182/and DA 96-2140 *[signature]*

Dear Chairman Kennard:

On behalf of the City of Monterey Park, I would like to request that the FCC take action to stop all efforts relating to the above-mentioned cases. By trying to make the FCC the "Federal Zoning Commission" for all cellular telephone and broadcast towers, this represents a direct violation of the intent of Congress, the Constitution and principles of Federalism.

Congress and the courts have long recognized that zoning is a matter of peculiarly local concern. The FCC has no zoning knowledge or expertise and is not accessible to most citizens and local concerns. For these reasons and others, Congress had expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act. The actions being taken now by the FCC will improperly infringe on local zoning authority. This attempt to preempt local zoning authority concerns three different rulemakings:

- 1) Cellular Towers - Radiation: Congress expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act, with the sole exception that municipalities cannot regulate the radiation from cellular antennas if it is within limits set by the FCC. What greatly concerns us is the fact that this ruling would prevent expression of citizen concerns over radiation from the towers and eliminates the FCC's requirement to wait until a local planning decision is final before it acts. A municipality may very well have legitimate and sound reasons for a decision, which by this, will be completely void.
- 2) Cellular Towers - Moratoria: Relatedly, the proposal to ban the moratoria that some municipalities impose on cellular towers while they revise their zoning ordinances to accommodate the increase in the numbers of these towers is also objectionable. When Congress took away the FCC's authority over cellular tower zoning, this included moratoria.
- 3) Radio/TV Towers: The proposed rule on radio and TV towers is just as bad: It sets an artificial limit of 21 to 45 days for municipalities to act on any local permit (environmental, building permit, zoning or other). Any permit request will automatically be deemed granted if the municipality doesn't act within the given time frame, even if the application is incomplete or clearly violates the local law. The proposed rule would also prevent municipalities from considering the impacts of such towers on property values, the environment or aesthetics. Even safety requirements could be overridden. This is illogical as you well know that some broadcast towers can be over 2,000 feet high.

Ex Parte Letter

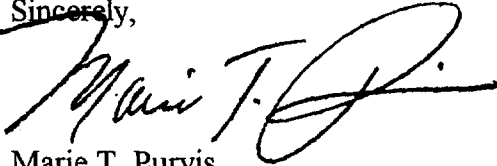
Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

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It seems that not enough consideration and thought have been given to all the impacts and potential impacts that these proposed rulings would have on local government and their constituents. In addition, the proposed actions violate the Communications Act and the Constitution. For these reasons, and those listed above, please terminate all these proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Marie T. Purvis". The signature is fluid and cursive, with a large, sweeping "M" and a long, horizontal stroke at the end.

Marie T. Purvis  
Mayor

MTP:lmb

cc: Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

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Mr. Harold Furchtgott-Roth  
Commissioner Designate  
Federal Communications Commission  
1919 M Street, 8th Floor  
Washington, DC 20554

Re: Ex Parte Letter Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

Dear Commissioner Furchtgott-Roth:

On behalf of the City of Monterey Park, I would like to request that the FCC take action to stop all efforts relating to the above-mentioned cases. By trying to make the FCC the "Federal Zoning Commission" for all cellular telephone and broadcast towers, this represents a direct violation of the intent of Congress, the Constitution and principles of Federalism.

Congress and the courts have long recognized that zoning is a matter of peculiarly local concern. The FCC has no zoning knowledge or expertise and is not accessible to most citizens and local concerns. For these reasons and others, Congress had expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act. The actions being taken now by the FCC will improperly infringe on local zoning authority. This attempt to preempt local zoning authority concerns three different rulemakings:

- 4) Cellular Towers - Radiation: Congress expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act, with the sole exception that municipalities cannot regulate the radiation from cellular antennas if it is within limits set by the FCC. What greatly concerns us is the fact that this ruling would prevent expression of citizen concerns over radiation from the towers and eliminates the FCC's requirement to wait until a local planning decision is final before it acts. A municipality may very well have legitimate and sound reasons for a decision, which by this, will be completely void.
- 5) Cellular Towers - Moratoria: Relatedly, the proposal to ban the moratoria that some municipalities impose on cellular towers while they revise their zoning ordinances to accommodate the increase in the numbers of these towers is also objectionable. When Congress took away the FCC's authority over cellular tower zoning, this included moratoria.
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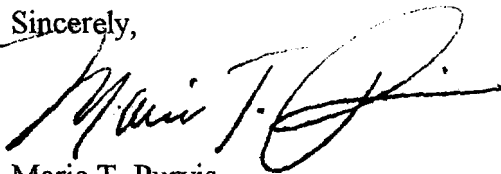
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Sincerely,

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Marie T. Purvis

Mayor

MTP:lmb

cc: Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

# CITY OF MONTEREY PARK

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Mr. Michael Powell  
Commissioner Designate  
Federal Communications Commission  
1919 M Street, 8th Floor  
Washington, DC 20554

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**FCC MAIL ROOM**

Re: Ex Parte Letter Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

Dear Commissioner Powell:

On behalf of the City of Monterey Park, I would like to request that the FCC take action to stop all efforts relating to the above-mentioned cases. By trying to make the FCC the "Federal Zoning Commission" for all cellular telephone and broadcast towers, this represents a direct violation of the intent of Congress, the Constitution and principles of Federalism.

Congress and the courts have long recognized that zoning is a matter of peculiarly local concern. The FCC has no zoning knowledge or expertise and is not accessible to most citizens and local concerns. For these reasons and others, Congress had expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act. The actions being taken now by the FCC will improperly infringe on local zoning authority. This attempt to preempt local zoning authority concerns three different rulemakings:

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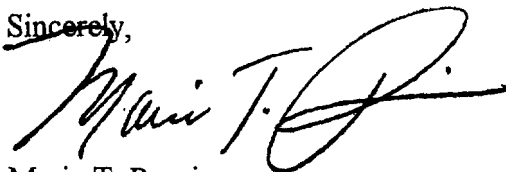
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Marie T. Purvis  
Mayor

MTP:lmb

cc: Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
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**FCC MAIL ROOM**

Ms. Gloria Tristani  
Commissioner Designate  
Federal Communications Commission  
1919 M Street, 8th Floor  
Washington, DC 20554

Re: Ex Parte Letter Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

Dear Commissioner Tristani:

On behalf of the City of Monterey Park, I would like to request that the FCC take action to stop all efforts relating to the above-mentioned cases. By trying to make the FCC the "Federal Zoning Commission" for all cellular telephone and broadcast towers, this represents a direct violation of the intent of Congress, the Constitution and principles of Federalism.

Congress and the courts have long recognized that zoning is a matter of peculiarly local concern. The FCC has no zoning knowledge or expertise and is not accessible to most citizens and local concerns. For these reasons and others, Congress had expressly preserved local zoning authority over cellular towers in the 1996 Telecommunications Act. The actions being taken now by the FCC will improperly infringe on local zoning authority. This attempt to preempt local zoning authority concerns three different rulemakings:

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Marie T. Purvis  
Mayor

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cc: Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554



# CITY OF MONTEREY PARK

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Ms. Susan Ness  
Commissioner  
Federal Communications Commission  
1919 M Street, 8th Floor  
Washington, DC 20554

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Re: Ex Parte Letter Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

Dear Commissioner Ness:

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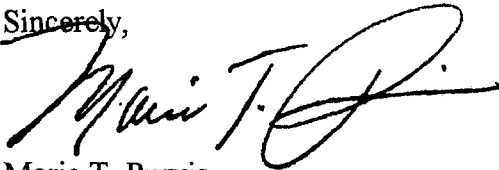
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